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DOC #: 10/1/09
DATE FILED: 10/1/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MARCUS RASEAN THOMPSON,

Plaintiff,

- against -

DEISHAY SMALLWOOD,

Defendant.

-----x
07 Civ. 3243 (DFE)

(This is not an ECF case)

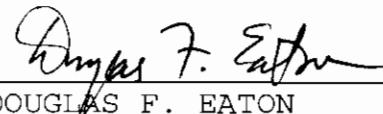
MEMORANDUM AND ORDER

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In response to my 9/16/09 Memorandum and Order, the plaintiff sent a 9/24/09 letter to me. Improperly, he did not show any copy to Mr. Paulose or to Ms. Smith, and therefore I am providing them with a copy by annexing one to today's Memorandum and Order.

I deny plaintiff's belated and frivolous request to rescind the settlement he received from the City of New York and the stipulation of settlement he signed in November 2008 releasing any agency of the City of New York and any present or former employees of the City (with the exception of Deishay Smallwood). I have no power to direct any person to pay any settlement. However, plaintiff is free to attempt to negotiate an additional settlement with Mr. Smallwood's attorney.

I deny all of the other requests in plaintiff's 9/24/09 letter, including his request to amend his Complaint, and his request for appointment of counsel. I will not adjourn the firm trial date of October 19, 2009, nor any of the deadlines set forth in my 9/16/09 Memorandum and Order. If plaintiff resists being transported to New York City for the trial, then I will dismiss the lawsuit as to Mr. Smallwood.


DOUGLAS F. EATON
 United States Magistrate Judge
 500 Pearl Street, Room 1360
 New York, New York 10007
 Telephone: (212) 805-6175
 Fax: (212) 805-6181fax

Dated: New York, New York
 September 30, 2009

Copies of this Memorandum and Order (and of plaintiff's 9/24/09 letter) are being sent by mail to:

USDC SDNY

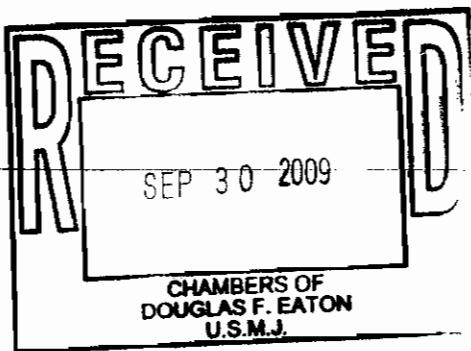
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Marcus Rasean Thompson
07-A-2267
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

Matthew Paulose, Jr., Esq.
Koehler & Isaacs, LLP
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New York, NY 10006
(also by fax to ~~212~~-551-0031fax)
917

Katherine E. Smith, Esq.
Assistant Corporation Counsel
Special Federal Litigation Division
New York City Law Department
100 Church Street, Room 3-217
New York, NY 10007
(also by fax to 212-788-9776fax)

COPY MAILED / FAXED TO:
COUNSEL FOR PLTFF(S): ,
COUNSEL FOR DFT(S): ✓,
PLTFF PRO SE: ✓,
DFT. PRO SE: ,
DATE: 10/1/09,
BY: DK



MARCUS R THOMPSON U7A2267
UPSTATE CORRECTIONAL FACILITY
P.O. BOX 2001
MALONE NY 12953

SEPTEMBER 24, 2009

Douglas F. Eaton
U.S. MAGISTRATE JUDGE
500 PEARL STREET, ROOM 1360
NEW YORK NEW YORK 10007

07 Civ. 3243 (DFE)
MARCUS RASEAN THOMPSON v. CAPTAIN AIRTRAILERS CARTER ET AL.

YOUR HONOR:

I AM WRITING FOR YOUR ASSISTANCE REGARDING
MUST TROUBLING MATTERS WITH THE ABOVE TITLED ACTION.

PLAINTIFF HAS VERY LIMITED EDUCATION - NO
DIPLOMA OR G.E.D. - NO KNOWLEDGE OR ABILITY TO INTERPRET LEGAL
JARGON OR LEGAL MANUVENS. NOR THE INTRICATE LANGUAGE OF THESE
CIVIL PROCEEDINGS INCLUDING BUT NOT LIMITED TO ANY DOCUMENTS SIGNED
THAT MAY HAVE RELINQUISHED ANY OF PLAINTIFF'S RIGHTS WITH REGARDS
TO THE CITY OF NEW YORK AND ITS AGENTS IN THIS ACTION.

ALSO PLAINTIFF DID NOT ANTICIPATE FURTHER MEDICAL COMPLICATIONS WHICH HAVE RESULTED FROM INJURIES SUSTAINED IN THIS MATTER NOR THAT SETTLEMENT WOULD REINQUISH PLAINTIFF'S RIGHTS TO BE COMPENSATED IN THE EVENT OF FUTURE PAIN AND SUFFERING.

IN SHORT PLAINTIFF IS DISASSOCIATED WITH THE SETTLEMENT AND WAS DUPED BY THE CORPORATION COUNSEL OF THE CITY OF NEW YORK. WHEN PLAINTIFF AGREED TO SETTLEMENT, PLAINTIFF WAS IN A SEGREGATED HOUSING UNIT RELYING ON THE OPINION OF AN UNCERTIFIED JAILHOUSE "LAWYER".

YOUR HONOR MAY RECALL THAT THE PLAINTIFF SUFFERED INJURIES INCLUDING BUT NOT LIMITED TO A BROKEN NOSE AND A BROKEN TOOTH AT THE HANDS OF N.Y.C. D.O.C. OFFICERS, ONE OF WHICH IS IDENTIFIED ON TAPE UNJUSTIFIABLY STRIKING PLAINTIFF SEVERAL TIMES IN THE FACIAL AREA WHILE PLAINTIFF WAS CLEARLY ALREADY RESTRAINED AND NON RESISTANT.

THERE IS NOTHING IN ANY OF THE CONTRACTS THAT SUGGESTS REQUESTS OR OTHERWISE STATES THE PLAINTIFF UNDERSTANDS THE RIGHTS HE WAS REINQUISING WHEN MAKING SETTLEMENT OR CONSENTING TO MAGISTRATE JUDGE.

PLAINTIFF RESPECTFULLY REQUESTS THAT YOUR HONOR RESCIND THE ~~PLAINTIFF~~ PREVIOUS SETTLEMENT AGREEMENT AND DIRECT ALL DEFENDANTS TO SETTLE THIS CASE IN ITS ENTIRETY FOR \$75,000.00. IF YOUR HONOR IS UNABLE TO DIRECT DEFENDANTS TOWARDS NEW SETTLEMENT ARRANGEMENTS, PLAINTIFF RESPECTFULLY REQUESTS THAT HE BE ALLOWED TO AMEND COMPLAINT TO ADD THE CITY OF NEW YORK AS

A DEFENDANT

FINALLY PLAINTIFF RESPECTFULLY REQUESTS THAT YOUR
HONOR APPOINT COUNSEL TO REPRESENT PLAINTIFF IN ANY AND ALL FUTURE/LURING
PROCEEDINGS IN THIS ACTION. I THANK YOU FOR YOUR TIME AND CONSIDERATION
OF THESE REQUESTS.

SINCERELY



MARCUS R. THOMPSON
PRO SE